

### **REMARKS**

Claims 2, 3 and 5-32 are pending. Claims 6-20 and 25-30 are withdrawn from consideration. Claim 21 is amended herein. Claim 21 repeated the phrase “the optical film is free of an alignment film other than the non-liquid crystal polymer.” This was due to a clerical error. The repetitive phrase has been removed by the amendment.

### **Applicants’ Response to Election/Restrictions**

Applicants confirm the election of claims 1-5, 21-24 and 31. Previously pending claim 31 was dependent on claim 1 and is now dependent on claim 21. Claim 31 is not referenced at page 2, sections 1-3, regarding the restriction requirement, but is examined by the current Office Action.

### **Applicants’ Response to the Claim Rejections under 35 U.S.C. §102(b)**

**Claims 2, 5, 21, 22 and 31 are rejected under 35 U.S.C. §102(b) as being anticipated by *Schadt et al.* (US 2002/0180916).**

In response thereto, applicants respectfully request reconsideration on the basis that the present invention as claimed is not anticipated by Schadt for at least the reason that the reference does not provide for each and every feature of the claimed invention either expressly or inherently.

Specifically, Schadt at least fails to provide for the feature of patent claim 21 that the optical film is free of an alignment film other than the non-liquid crystal polymer.

The rejection maintains that the layer 2 is a non-liquid crystal film, citing to paragraphs [0036]-[0039] of Schadt. In regard to the feature of claim 21 that “the optical film is free of an alignment film other than the non-liquid crystal polymer” the rejection does not appear to address this feature directly other than to include it within the rejection language. However, Schadt requires other alignment films.

Schadt teaches at paragraph [0038] that one possible choice for the layer 2 may be a conventional orienting layer such as a polyimide layer. The paragraph further teaches that the layer may be rubbed in one direction or sputtered with  $\text{SiO}_x$  to obtain an orientation, and that when uniform orientation on the entire surface is desired such a film is cheaper than the PPN layer otherwise described. The rejection interprets this paragraph as teaching that the orientation of the surface is different from the orientation within the film and the remaining characteristics, such as anisotropy, would be inherent thereto. Regardless, Schadt cannot provide for an optical film which is free of an alignment film other than the non-liquid crystal polymer.

Paragraph [0041] of Schadt describe that the LCP layer 3 is “adjacent another orienting layer which as before, is either a PPN layer or a conventional orienting layer.” This is the upper orienting layer 4 described in paragraph [0042]. Further, the other embodiments described at Figs. 4-5 and paragraphs [0043] to [0045] maintain that the upper orienting layer 7, 8 has two different orientations. As such, Schadt does not disclose that the layer 2 is the only alignment film within the optical film second. Wherefore, applicants respectfully submit that Schadt does

not anticipate the present invention according to parent claim 21, because Schadt fails to teach an optical film free of an alignment film other than the non-liquid crystal polymer.

**Applicants' Response to the Claim Rejections under 35 U.S.C. §103**

**Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Schadt et al.* (US 2002/0180916) in view of *Murayama et al.* (US 6,778,242).**

**Claim 32 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Schadt et al.* (US 6,734,936).**

Applicants respectfully submit that by addressing the rejection of parent claim 21 as detailed above, likewise the rejection of claims 3 and 32 are addressed by nature of the claims' dependency.

In view of the aforementioned amendments and accompanying remarks, Applicant submits that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

Application No.: 10/579,467  
Art Unit: 2881

Amendment under 37 CFR §1.111  
Attorney Docket No.: 062096

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**

A handwritten signature in black ink, appearing to read "Michael J. Caridi", with a long, sweeping horizontal stroke extending to the right.

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